

**REMARKS/ARGUMENTS**

Claims 1-23 are pending in the application. By this Amendment, claims 1, 4, 8-10, 15 and 20 are amended, and new claims 21-23 are added. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and following remarks is respectfully requested.

**I. 35 U.S.C. § 102(e)**

The Office Action rejects claims 1-5, 8-10, 12 and 15-20 under 35 U.S.C. § 102(e) over Holshouser (U.S. Patent No. 6,151,486). Because Holshouser fails to disclose or suggest all of the features of these claims, the rejection is respectfully traversed.

**A. Claims 1-5**

Holshouser discloses a telephone which includes a main body with a keypad and a cover. As shown in Figures 3A, 3B, and 9 the flip cover 54 is hingedly connected to the body 52 with a hinge assembly 55 and a spring 56. The hinge assembly 55 is configured such that the spring 56 biases the flip cover 54 to the open position shown in Figure 3B.

As shown in Figure 9, when the flip cover 54 is placed into the closed position, a permanent magnet 90 in the flip cover 54 is attracted to a magnetic object 92 within the housing 52. The attractive force between the permanent magnet 90 and the magnetic object 92 within the housing 52 is sufficient to overcome the spring force provided by the spring 56, which urges

the cover towards the open position. As a result, the flip cover 54 is maintained in the closed position.

When a user activates a switch, an electric current is applied to a conductive coil 62 surrounding the magnetic object 92 to produce an electromagnet located within the housing 52. The resulting magnetic flux repels the permanent magnet 90 and the flip cover 54 to push the flip cover 54 away from the main housing 52 and towards the open position. Once the flip cover 54 has opened a sufficient amount, the attractive force between the permanent magnet 90 and the magnetic object 92 within the housing 52 is overcome and the spring 56 causes the flip cover 54 to assume the open position.

Claim 1 of the present application is directed to a flip type mobile telephone. Claim 1 recites a telephone body, a hinge shaft, a spring configured to elastically support the hinge shaft, and a flip cover hingedly connected to the telephone body. Claim 1 also recites at least one electromagnet provided on the telephone body and at least one permanent magnet provided on the flip cover. Claim 1 recites that the spring urges the flip cover into a closed position where the flip cover covers the keypad. Claim 1 also recites that the at least one electromagnet urges the flip cover towards an open position.

As explained above, the Holshouser telephone includes a spring which urges the cover into the open position. In contrast, claim 1 specifically recites that the spring urges the flip

cover into a closed position. For at least this reason, it is respectfully submitted that claim 1 is allowable over Holshouser.

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons, as well as additional patentable features recited therein and the combinations thereof. For example, claim 5 further recites a switch which is configured to momentarily energize electromagnets when the mobile telephone is activated. Holshouser also fails to disclose or suggest these features and the combinations thereof.

**B. Claims 8-10 and 12**

Claim 8 recites a flip type mobile telephone which also includes a telephone body, a hinge shaft, a flip cover, at least one electromagnet on the telephone body, and at least one permanent magnet on the flip cover. Claim 8 also recites an elastic member configured to bear on the hinge shaft, wherein the elastic member urges the flip cover to the closed position when the flip cover forms less than a predetermined angle with respect to the body. Claim 8 further recites that the elastic member urges the flip cover to an open position when the flip cover is rotated past the predetermined angle.

As discussed above, Holshouser fails to disclose or suggest a telephone with an elastic member which urges the cover to a closed position. For at least this reason, it is respectfully submitted that claim 8 is allowable.

Claims 9, 10, and 12 depend from claim 8 and are allowable for at least the same reasons, as well as additional patentable features recited therein and the combinations thereof. For example, claim 12 recites that the switch is configured to activate the mobile telephone and simultaneously momentarily energize the electromagnet. As also discussed above, Holshouser fails to disclose or suggest this feature.

**C. Claims 15-19**

Claim 15 is directed to a method of opening a flip cover on a mobile telephone. Claim 15 recites rotatably attaching a flip cover to a telephone body with a hinge, and holding the flip cover in a closed position with an elastic member bearing on the hinge. As discussed above, Holshouser fails to disclose or suggest a method of opening a flip cover on a mobile telephone which includes holding a flip cover in a closed position with an elastic member. For at least this reason, it is respectfully submitted that claim 15 is allowable.

Claims 16-19 depend from claim 15 and are allowable for at least the same reasons, as well as additional patentable features recited therein and the combinations thereof. For example, claim 18 depends from claim 15 and further recites that a step of energizing an electromagnet also comprises simultaneously activating a mobile telephone. Holshouser also fails to disclose or suggest this feature.

Serial No. 09/922,783  
Amdt. Dated October 27, 2004  
Reply to Office Action of May 27, 2004

Docket No. HI-0037

**D. Claim 20**

Claim 20 recites a flip type mobile telephone which includes a telephone body, a flip cover, at least one electromagnet on one of the telephone body, and the flip cover and at least one permanent magnet on the other of the telephone body and flip cover. Claim 20 also recites an elastic member which urges the flip cover towards the closed position when the flip cover forms less than a predetermined angle with the telephone body, and a switch for energizing the electromagnet to produce a repulsion force between the electromagnet and the permanent magnet which facilitates opening of the flip cover.

As discussed above, Holshouser fails to disclose or suggest a telephone with an elastic member which urges the flip cover towards the closed position. For at least this reason, it is respectfully submitted that claim 20 is allowable.

In view of the foregoing, it is respectfully submitted that claims 1-5, 8-10, 12 and 15-20 are allowable over Holshouser. Withdrawal of this rejection is respectfully requested.

**II. 35 U.S.C. § 103(a)**

**A. Claims 6 and 13 are allowable**

The Office Action rejects claims 6 and 13 under 35 U.S.C. § 103(a) over Holshouser, in view of Horne (U.S. Patent No. 5,983,083). The rejection is respectfully traversed.

As discussed above, the Holshouser patent discloses a flip type telephone which includes a spring intended to urge the flip cover towards an open position. The force of the spring is overcome when the flip cover is in the closed position by an attraction between a permanent magnet on the cover and some type of magnetic object in the main housing. An electromagnet is used to momentarily overcome the attractive force between the permanent magnet and the magnetic object until the flip cover has opened sufficiently for the spring to cause the flip cover to assume the completely opened position.

Horne discloses a leaf type spring assembly which is intended to hold a flip cover in either an open position or a closed position. Details of the leaf spring assembly are shown in Figures 4 and 5A-5C in Horne.

As stated in MPEP § 2143.01, if a proposed modification or combination of references would render the prior art invention being modified unsatisfactory for its intended purpose, then no motivation or suggestion exists to combine the references. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Applicant respectfully submits that combining the references in the manner suggested by the Office Action would render the Holshouser telephone unsatisfactory for its intended purpose and thus the requisite motivation or suggestion to combine the reference is lacking.

In more detail, it is respectfully submitted that if one were to incorporate the leaf spring assembly of Horne into the Holshouser telephone to maintain the flip cover in the closed

position, the opening system disclosed in Holshouser would become inoperative. Specifically, the electromagnetic closure device disclosed in the Holshouser telephone would be redundant. Moreover, the repulsion force would provided by the electromagnet be insufficient, to overcome the biasing force of the leaf spring assembly keeping the flip cover closed. Thus, adding the Horne leaf spring assembly to the Holshouser telephone would render the Holshouser opening device inoperative. For at least these reasons, it is respectfully submitted that one of ordinary skill of the art would have had no motivation to make the suggested combination. Withdrawal of the rejection of these claims is respectfully requested.

**B. Claims 7 and 14 are allowable**

The Office Action rejects claims 7 and 14 under 35 U.S.C. § 103(a) over Holshouser, in view of Go (U.S. Patent No. 6,091,938). The rejection is respectfully traversed. The Go patent, like the Horne patent, discloses a telephone with a flip type cover. A spring loaded hinge assembly in the Go device also is intended to hold the flip cover in either a closed position or an open position. For reasons similar to those discussed above with respect to Horne, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to utilize the Go hinge assembly on the phone disclosed in Holshouser because it would render the Holshouser device inoperative. For at least this reason, it is respectfully submitted that the

Serial No. 09/922,783  
Amdt. Dated October 27, 2004  
Reply to Office Action of May 27, 2004

Docket No. HI-0037

combination is improper and withdrawal of the rejection of claims 7 and 14 is respectfully requested.

**C. Claim 11 is allowable**

The Office Action rejects claim 11 under 35 U.S.C. § 103(a) over Holshouser in view of Metroka (U.S. Patent No. 4,845,772).

Claim 11 depends from claim 8. As discussed above, claim 8 is allowable over Holshouser. Metroka fails to cure the deficiencies of Holshouser discussed above. Specifically, Metroka fails to disclose or suggest a flip type telephone with an elastic member which is configured to urge the flip cover to the closed position when the flip cover forms less than a predetermined angle with respect to the body. Accordingly, withdrawal of the rejection of claim 11 is respectfully requested.



Serial No. 09/922,783  
Amdt. Dated October 27, 2004  
Reply to Office Action of May 27, 2004

Docket No. HI-0037

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Garth D. Richmond**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



John C. Eisenhart  
Registration No. 38,138  
Garth D. Richmond  
Registration No. 43,044

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
703 766-3701 DYK:JCE:GDR/par

**Date: October 27, 2004**

**Please direct all correspondence to Customer Number 34610**